

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

SOUTHERN DIVISION  
10:07-b

Ronald David MALONE

v.

CLERK, CLERK,  
DISTRICT COURT  
MIDDLE DISTRICT ALA

Civil Action No. 1:06-cv-00248-WHA

South East Alabama Medical  
Center, et al.

Hon. Charles S. Coody

Chief United States Magistrate Judge

Show Cause Motion

COMES NOW Ronald David MALONE, by PRO-SE Answer This Honorable Court In the Above-styled Cause And for The following There of:

I. IN THIS INSTANT CAUSE Plaintiff has set forth Allegations And physical Evidence IN SUPPORT OF MY FRAUD CLAIM AGAINST ALL NAMED DEFENDANT, Plaintiff Pleaded Fraud Required by 18USCS § 1341, AND fed R.Civ.P. 9(b) 4 THE PAYMENT OF THE HOSPITAL BILL WAS PAID BY MEDICARE A GOVERNMENT HEALTH CARE PROGRAM, Plaintiff ALSO HAS SHOWN DEFENDANT'S KNOWLEDGE OF FRAUDULENT RECORDS, THESE DOCUMENTS OF FRAUD SHOWS DATES TIME AND SIGNATURE THAT IS REQUIRED BY 15 USCS § 784-4(b)(2). Plaintiff WRONGFUL DEATH, MEDICAL MALPRACTICE AND FRAUD CLAIM ALL THESE CLAIM ARISE FROM COMMON NUCLEUS OF OPERATIVE FACTS WHICH GIVES THIS COURT PROPER JURISDICTION, ALL DEFENDANT'S AND PLAINTIFF ARE RESIDENT OF THE STATE OF ALABAMA IN THE MIDDLE DISTRICT, PLAINTIFF OBJECT TO THIS HONORABLE COURT CONTENTION THAT IT DOES NOT HAVE SUBJECT MATTER JURISDICTION, I SANCTION MY CLAIM UNDER fed R.Civ.P. 12(h)(3) WHICH STATES OBJECTION TO SUBJECT MATTER JURISDICTION CAN BE MADE AT ANY TIME<sup>x</sup>

SEE E.W. v School Bd. of Miami-Dade County fIA 2004, SD. fIA. 307 f. supp. 2d. 1363, 17 fIW fed. D. 403, Plaintiff CIVIL ACTION CLEARLY SHOWS DEFENDANT ACTS AND OMISSIONS TO PROVIDE THE STANDARD OF CARE REQUIRED BY MEDICARE AND REQUIRED FOR THEIR PATIENT'S, THE DEFENDANT'S " DELIBERATE INDIFFERENCE AND COMPLETE

disregard" for we as citizens of the United States and Defendant's show of complete disregard for our rights to receive the standard of care is sufficient allegation of intent to commit fraud, medical malpractice and wrongfull death; The Defendant's and/or its agents wrong doing is cause the death of B.B.B. unborn child, This standard of care fall below what the public health service act under 42 USCS 300 bb et seq. requires for health care providers, Inform a pauperis complaint is not automatically frivolous under 28 USCS § 1915 simply because it fails to state claim as drafted see Money v. Motte (1989, CA 8 no 877 f.2d. 9, in this instant cause there is clearly material facts with evidence that is so substantial is of such weight that a fair minded person in the exercise of impartial judgement reasonably infer the existence of the facts to be proved. This honorable court should review the records and complaint in a light most favorable to the Plaintiff and must resolve all reasonable doubts for what weight state law have in federal proceeding, the Plaintiff in this instant cause should be provided the chance and right to have their day in court, Article 1611, Constitution 1901, provides that the right of trial by jury "shall" remain inviolate. Moreover, Rule 38(A) A.R.C.P. provides that right of trial by jury as declared by the Constitution of the United States, The Alabama Supreme Court in Pappa v. Bonner, 268 AIA 185, 105 So.2d 87 (1958) addressing the issue of proximate cause of medical malpractice writes, The rule of our case in malpractice suits is that there must be something more than a mere possibility, this cause do not eliminate the effect of Alabama "Scintilla Rule", if there is a scintilla of evidence that the negligence complained of probably caused the

IN JURY, THIS PRESENT A QUESTIONS OF FACT FOR THE JURY'S DETERMINATION, THE COMPLAINT CONTAINS FACTS THAT MERIT CONTINUED PROCEEDING, IT IS WELL SETTLED UNDER THIS COURT'S JURISDICTION THAT MATERIAL FACTUAL ALLEGATIONS TO WHICH PLAINTIFF ALLEGES IN THEIR COMPLAINT ARE TRUE, IS SUFFICIENT TO STATE A CAUSE OF ACTION FOR WRONGFUL DEATH, FRAUD AND MEDICAL MALPRACTICE, I ASK THIS HONORABLE COURT TO TAKE JUDICIAL NOTICE OF STATE STATUTE § 6-5-483 CODE OF ALABAMA 1975 THIS COURT IS BOUND BY THE VERY STATUTE USED THRU OUT THIS SHOW CAUSE MOTION FOR PROCEEDING TO CONTINUE AND AVOID DISMISSAL AS A MATTER OF LAW.  
PLAINTIFF DAUGHTER HAS SUFFERED MENTAL DEPRESSION, SUICIDE ATTEMPTS PERMANENT PHYSICAL AND MENTAL DAMAGE BEHIND THE ABOVE-NAMED DEFENDANT'S ACT AND OMISSION IN THE HOST OF B.B.B. CHILD, I ASK THAT THIS CAUSE BE GRANTED IN THE INTEREST OF TRUE JUSTICE AND THAT THE DEFENDANT'S BE ORDER TO ANSWER TO PLAINTIFF ALLEGATIONS AND THIS HONORABLE COURT MAKE IT JUST AND IMPERIAL DECISION, IT COULD BE POSSIBLE THAT MEDICARE AND MEDICAID HAS BEEN ALSO DEFRAUDED BY THE DEFENDANT'S, THE UNITED STATES ATTORNEY GENERAL IN WASHINGTON HAS BEEN NOTIFIED OF THE ALTERATION OF MY DAUGHTER MEDICAL RECORDS, SO I ASK THAT THIS COURT ALLOW ME AND FAMILY TO HAVE OUR DAY IN FEDERAL COURT.

WHEREFORE I PRAYS THIS HONORABLE COURT PLEASE GRANT MY SHOW CAUSE MOTION AS A MATTER OF LAW AND OF TRUE JUSTICE AND SO THAT JUSTICE CAN BE OBTAINED.

Respectfully submitted  
Linda Fauci